

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

DENNIS HART, Plaintiff, vs. DEERE & COMPANY a/k/a or d/b/a JOHN DEERE WATERLOO WORKS, Defendant.	Case No. 22-2024 NOTICE OF REMOVAL
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Defendant, Deere & Company, (“Deere”) removes this action to the United States District Court for the Northern District of Iowa, Eastern Division. In support of its removal, Deere states:

1. On November 8, 2021, Plaintiff Dennis Hart (“Hart”), filed a Petition at Law and Jury Demand in the Iowa District Court for Black Hawk County (“Iowa District Court”) against Deere and one of its employees, Rodney Nieman, originally captioned as *Dennis Hart v. Deere & Company a/k/a or d/b/a John Deere Waterloo Works and Rodney Nieman*.

2. The above-entitled action is a civil action in which Hart alleges claims of discrimination, harassment, and retaliation based on his race and color in violation of the Iowa Civil Rights Act (“ICRA”). Hart alleged that both Deere and Mr. Nieman, in his official and individual capacity, engaged in discriminatory conduct.

3. On November 24, 2021, counsel for Deere accepted service of the Hart’s Petition at law and Original Notice on Deere’s behalf. A true and correct copy of Hart’s Petition, Original Notice, and Return of Service are attached as Exhibits A, B, and C, respectively.¹ and are herein

¹ Pursuant to LR Rule 81(a) Deere has listed each process, pleading, orders filed with the Iowa District Court. Deere incorporates by references the Exhibits as identified in its Certification Pursuant to LR 81(a) and references them herein.

incorporated by reference.

4. On December 14, 2021, counsel for Deere filed an Answer on Deere's behalf. A true and correct copy of the Deere's Answer is attached as Exhibit D.

5. On December 15, 2021, the Iowa District Court filed a Notice of Civil Trial-Setting Conference. A true and correct copy of the Iowa District Court's Order is attached as Exhibit E.

6. On December 28, 2021, the Bremer County Sheriff's office filed a Return of Service – Diligent Search. A true and correct copy of the Return of Service is attached as Exhibit F.

7. On January 12, 2022, the Original Notice and Petition at Law and Jury Demand were personally served on Mr. Nieman. *See* Exhibits A and B; *see also* a true and correct copy of the Return of Service for Mr. Nieman attached as Exhibit G.

8. On January 27, 2022, the Court continued its Trial Scheduling Conference to March 4, 2022. A true and correct copy of the Continuance Order is attached as Exhibit H.

9. On January 28, 2022, Hart filed a Notice of Service of his Initial Disclosures. A true and correct copy of Hart's Notice of Service is attached as Exhibit I.

10. On February 1, 2022, Mr. Nieman filed an Answer to Hart's Petition. A true and correct copy of Mr. Nieman's Answer is attached as Exhibit J.

11. On February 7, 2022, the Iowa District Court Ordered parties to appear for a Trial Scheduling conference for March 4, 2022. A true and correct copy of the Court's Trial Scheduling Orders and Parties' Trial Scheduling and Discovery Plan are attached as K, L, and M respectively.

12. On February 24, 2022, the Iowa District Court accepted the withdrawal of counsel for Deere. A true and correct copy of Counsel's Motion and the Iowa District Court's Order are attached as exhibits N and O respectively.

13. On March 4, 2022, the Iowa District Court set this matter for trial on August 15, 2023. A true and Correct copy of the Order Setting Trial and Judge Assignment are attached as Exhibits P and Q respectively.

14. On March 18, 2022, Deere and Mr. Nieman filed a Notice of Service of their Initial Disclosures. A true and correct copy of Deere's and Mr. Nieman's Notice is attached as Exhibit R.

15. On May 10, 2022, Mr. Nieman filed a Motion for Summary Judgment as it related to his individual liability under the ICRA. A true and correct copy Mr. Nieman's Motion for Summary Judgment is attached as Exhibit S.

16. On May 12, 2022, Hart filed it Notice of Service of his discovery requests with the Court. A true and correct copy of Hart' Discovery Notice is attached as Exhibit U.

17. However, on May 11, 2022, Hart filed a Motion to Dismiss Mr. Nieman. On May 13, 2022, Nieman filed a response informing the Court it did not resist Hart's Motion to Dismiss. A true and correct copy of Hart's Motion to Dismiss and Mr. Nieman's Response are attached as Exhibits T and W respectively.

18. On May 13, 2022, the Court granted Hart's Motion to Dismiss and dismissed Mr. Nieman from the case individually. A true and correct copy of the Court's Dismissal of Mr. Nieman is attached as Exhibit V.

19. No further proceedings have occurred in the Iowa District Court in and for Black Hawk County in this case.

20. Hart, as a plaintiff is a citizen of the state of Iowa, resides in Waterloo Black Hawk County, Iowa.

21. Defendant, Deere and Company, is a Delaware corporation, with its principal place of business in Moline, Illinois.

22. There is complete diversity of citizenship between the remaining parties: Hart and Deere.

23. Hart seeks damages, including, but not limited to, lost wages and benefits, future earnings and punitive damages. As pled, Hart has alleged that his damages exceed \$75,000.00. Accordingly, the amount in controversy in this matter, exclusive of interest and costs, exceeds \$75,000.00.

24. This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332(a)(1) and, therefore, it may properly be removed to this court pursuant to 28 U.S.C. § 1441(b).

25. This Notice is filed with the Court within thirty days after Deere received notice of the Iowa District Court's dismissal of Mr. Nieman, which made this case removable.

26. A copy of this Notice of Removal is being filed with the Iowa District Court in and for Black Hawk County.

27. By filing this Notice of Removal, Deere does not waive any defenses available to it under Federal Rule of Civil Procedure 12(b).

WHEREFORE, Defendant, Deere & Company gives notice of the removal of the above-entitled action from the Iowa District Court in and for Black Hawk County to the United States District Court for the Northern District of Iowa.

Respectfully submitted,

/s/ Kevin B. Patrick

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**ATTORNEYS FOR DEFENDANT
DEERE & COMPANY, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2022, I electronically filed the foregoing document with the Clerk of the Court by using the Iowa Judicial Branch electronic filing system which will send a notice of electronic filing to the following:

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ATTORNEYS FOR PLAINTIFF

/s/ Anita Cathcart